

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

THEODORE WILLIS FLOWERS, JR.,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-08-1322-HE
	)	
AMERICAN NATIONAL	)	
INSURANCE COMPANY, ET AL.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Theodore Willis Flowers, Jr., a federal prisoner appearing *pro se*, filed this action on December 4, 2008, asserting breach of contract and bad faith claims against American National Insurance Company and Robert L. Johnson. The matter was referred pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) for preliminary review to Magistrate Judge Bana Roberts, who has recommended that the action be dismissed without prejudice due to the plaintiff's failure to effect service.


The plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Roberts' Report and Recommendation and **dismisses** this action without prejudice.<sup>1</sup>

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<sup>1</sup>*The court notes that the magistrate judge gave the plaintiff multiple extensions of time within which to file proof of service or show cause why service has not been timely made,*

**IT IS SO ORDERED.**

Dated this 22nd day of October, 2009.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE